

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MARION S. LEBON and LISA L. COWAND

PLAINTIFFS

VS.

CAUSE NO.: 1:08CV509-LTS-RHW

STATE FARM FIRE & CASUALTY COMPANY

DEFENDANT

**DEFENDANT'S EXPEDITED MOTION FOR EXTENSION OF
DISPOSITIVE MOTION DEADLINE**

COMES NOW, Defendant State Farm Fire & Casualty Company (hereinafter "State Farm"), by and through the undersigned counsel and pursuant to the Federal Rules of Civil Procedure, and files this Expedited Motion for Extension of Dispositive Motion Deadline, stating unto the Court as follows:

I.

The Dispositive Motion Deadline in this case is Monday, January 25, 2010. *See* Order [83]

II.

On December 30, 2009, Plaintiffs filed a Motion to Compel 30(b)(6) Deponent [98]. Plaintiffs' Motion was granted in part and denied in part by Order [112] dated January 13, 2010 and State Farm was ordered to produce a corporate deponent within twenty-one (21) days (i.e., on or before February 3, 2010).

III.

State Farm has filed a Motion for Modification of Order [113] on the basis that, on January 6, 2010, it produced a corporate representative who testified to topics within the scope of the Court's Order. Thus, compliance with that Order would essentially require that State Farm produce a second representative to testify to the same topics.

IV.

Since an order on State Farm's Motion for Modification has not yet been entered, State Farm

is uncertain as to whether it will be required to submit to a second corporate deposition. In the event that it is required to do so, State Farm would prefer to file its dispositive motion after the occurrence of that deposition. If State Farm is required to file its dispositive motion, then submit to a deposition, it will be prejudiced because Plaintiffs will have the benefit of that motion and its arguments when examining State Farm's corporate representative. Moreover, State Farm will be unable to incorporate any testimony given during that deposition into its dispositive motion.

V.

State Farm respectfully requests an extension of the dispositive motion deadline until at least February 15, 2010 in order to allow adequate time for State Farm, if required, to submit to a second 30(b)(6) deposition and incorporate the testimony given during that deposition into its dispositive motion. State Farm does not file the instant motion for the purposes of harassment or delay, but only to prevent irrevocable prejudice.

WHEREFORE, PREMISES CONSIDERED, Defendant, State Farm Fire and Casualty Company respectfully requests that this Honorable Court grant the instant motion in its entirety. Defendant further requests any additional relief the Court may find warranted in the premises.

Respectfully submitted,

STATE FARM FIRE & CASUALTY COMPANY

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/s/ H. Scot Spragins
H. SCOT SPRAGINS, MSB # 7748

CERTIFICATE OF SERVICE

I, **H. SCOT SPRAGINS**, one of the attorneys for the Defendant, **STATE FARM FIRE AND CASUALTY COMPANY**, do hereby certify that I have on this date electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record.

DATED: January 22, 2010

/s/ H. Scot Spragins

H. SCOT SPRAGINS

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